

UNITED STATE DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

BARRY ROSEMAN M.D., and	)	
SUSAN ROSEMAN, individually and	)	
as next friends of S.R., a minor,	)	
	)	
Plaintiffs,	)	
	)	No. 3:09-CV-299
	)	(SHIRLEY)
V.	)	
	)	
HANK LEE'S MAGIC FACTORY II, INC.,	)	
d/b/a HANK LEE'S MAGIC FACTORY,	)	
THE PROP CLOSET, L.L.C., d/b/a	)	
THEATRE EFFECTS, and HARRY LEVY	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

This case is before the undersigned pursuant to 28 U.S.C. § 636(c), Rule 73(b) of the Federal Rules of Civil Procedure, and the consent of the parties, for all further proceedings, including entry of judgment [Doc. 13]. This case is now before the Court to address the parties' Joint Motion to Appoint Guardian Ad Litem [Doc. 82].

On August 11, 2010, the Court held a telephone conference to address whether a guardian ad litem should be assigned to the minor who suffered the injuries at issue in this case. All parties agreed that appointment of a guardian ad litem was appropriate. The parties' motion reiterates this agreement and moves the Court, pursuant to Fed. R. Civ. P. 17(c), to appoint a guardian ad litem to represent the interests of S.R. in obtaining court approval of their tentative settlement. [Doc. 82 at 1].

Based upon the parties agreement and the Court's determination that a guardian ad litem will serve to protect the minor's interest in this large settlement, the Court finds that the Joint Motion to Appoint Guardian Ad Litem [Doc. 82] is well-taken, and it is **GRANTED**, as follows:

1. The Court **APPOINTS Francis L. Lloyd, Jr.**<sup>1</sup>, guardian ad litem of the minor S.R., for the pendency of this matter;
2. Mr. Lloyd shall meet with S.R. and/or the parties, as he deems necessary, and review the pertinent documents, including the settlement agreement;
3. Mr. Lloyd shall compose a report addressing whether the settlement— its amount, the proposed method of disbursement, any investment plans or terms, fees and costs therein, and settlement of this matter generally— is in S.R.'s best interests;
4. Mr. Lloyd's report shall be circulated to the Court and the parties, via mail or electronic mail, on or before **September 10, 2010**;
5. Mr. Lloyd shall be reimbursed at a rate of one hundred seventy-five dollars per hour (\$175/hour), and it is the Court's expectation that this matter will require no more than fifteen (15) to twenty (20) hours of Mr. Lloyd's time;
6. The cost of Mr. Lloyd's services as a guardian ad litem shall be borne equally by the parties—Defendant Hank Lee's Magic Factory shall pay one third (1/3); Defendant The Prop Closet shall pay one third; and the Plaintiffs, collectively, shall pay one third (1/3); and
7. After receiving and reviewing, Mr. Lloyd's report the Court will reset the settlement conference in this matter.

**IT IS SO ORDERED.**

ENTER:

s/ C. Clifford Shirley, Jr.  
United States Magistrate Judge

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